

Assembly Bill No. 976

CHAPTER 403

An act to add Section 1940.3 to the Civil Code, relating to tenancy.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 976, Charles Calderon. Tenancy: tenant's characteristics.

Existing law regulates the terms and conditions of residential tenancies. Existing law requires, among other things, that a dwelling unit be fit for human occupation, and prohibits a landlord from engaging in certain activities, including threats and extortion, to influence a tenant to vacate.

This bill would prohibit a city, county, or city and county from requiring a landlord to, among other things, compile, disclose, report, provide, or otherwise take any action regarding a tenant or a prospective tenant based on the immigration or citizenship status of that tenant. The bill would also prohibit a landlord from independently performing any of these acts. The bill would specify that these provisions do not prohibit a landlord from complying with any federal law or from requesting information necessary to determine or verify identity or financial qualifications.

The people of the State of California do enact as follows:

SECTION 1. Section 1940.3 is added to the Civil Code, to read:

1940.3. (a) No city, county, or city and county shall, by statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance, or regulation, compel a landlord or any agent of the landlord to make any inquiry, compile, disclose, report, or provide any information, prohibit offering or continuing to offer, accommodations in the property for rent or lease, or otherwise take any action regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(b) No landlord or any agent of the landlord shall do any of the following:

(1) Make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

(2) Require that any tenant, prospective tenant, occupant, or prospective occupant of the rental property make any statement, representation, or certification concerning his or her immigration or citizenship status.

(c) Nothing in this section shall prohibit a landlord from either:

(1) Complying with any legal obligation under federal law.

(2) Requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

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